

REMARKS

This responds to the Office Action dated November 3, 2006, and the reference cited therewith.

Claims 1, 6, 7, 12, 27 and 37 are amended, claims 4 and 5 are canceled, and claims 38 and 39 are added; as a result, claims 1-3, 6-12 and 26-39 are now pending in this application.

Claims 38 and 39 are new. Applicants respectfully submit the newly added claims are supported by the specification and therefore do not include new matter. Moreover, Applicants respectfully submit claims 38 and 39 are distinguishable over the presently cited prior art.

Claims 38 and 39 are patentable at least as dependent claims of patentable base claims 1 and 7, respectively. The discussion for claims 1 and 7 below are repeated in support of claims 38 and 39.

Consideration and allowance of claims 38 and 39 are respectfully requested.

Interview Summary

Applicants' representative, Tom Obermark, greatly appreciates the courtesies extended in the interview with the Examiner on December 16, 2006. In the interview the independent claims and the cited reference were discussed. The Examiner tentatively agreed proposed amendments to the claims would distinguish over the cited reference. At that time, the Examiner elected to submit an Examiner's Amendment with the proposed amendments in an office communication to the Applicants. The Examiner also instructed Applicants' representative to *not* file an interview summary. Thereafter the Examiner contacted Applicants' representative on January 24, 2007 and changed his position, and requested the Office Action of November 3, 2006 be responded to. Per the Examiner's request, Applicants respectfully submit the present Amendment and Response and submit the presently amended claims distinguish over the cited reference for at least the reasons discussed below.

Double Patenting Rejection

Claims 1-12 and 26-37 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6, 8-24 and 27-39 of co-pending Application No. 10/813,496. Applicant makes no admission regarding the correctness

of these rejections at this time as the claims are not in their final form. This issue is therefore not ready for consideration. Applicants will consider these rejections and consider filing a Terminal Disclaimer when all claims are indicated to be otherwise allowable.

§102 Rejection of the Claims

Claims 1-3, 6-7, 12, 26-27, 33-34 and 36-37 were rejected under 35 U.S.C. § 102(b) as being anticipated by Iwaszkiewicz et al. (U.S. Patent No. 4,590,950).

Claims 1-3, 26, and 28-32

Applicants respectfully traverse the rejections of claims 1-3, 26, and 28-32 for at least the following reason. Applicants cannot find teaching or suggestion in Iwaszkiewicz of, for example, an outer electrode disposed over the inner electrode, the outer electrode coupled with at least a portion of the inner electrode outer surface, the conductor distal end is coupled between the inner electrode outer surface and the outer electrode, and the conductor proximal end is remote from the inner electrode and the outer electrode, as recited in claim 1. Claims 2, 3, 26 and 28-32 depend from claim 1 and thereby include all of its recitations.

Reconsideration and allowance of claim 1-3, 26, and 28-32 are respectfully requested.

Claim 6

Applicants respectfully traverse the Office Action statement at page 2, "The stepped portion of the inner electrode [of Iwaszkiewicz] forms an insulation interrupt between insulation segments," in so far as the Applicants believe an insulation interrupt has not been presently claimed. If the Office Action is equating this statement to claim 6, Applicants respectfully traverse for at least the following reasons. Applicants cannot find in Iwaszkiewicz teaching or suggestion of, for example, at least one of the inner electrode outer surface or the outer electrode inner surface including conductor insulation disruption features, as recited in claim 6. Further, Applicants respectfully submit claim 6 is allowable at least as a dependent claim of patentable base claim 1. The discussion of claim 1 above is repeated in support of claim 6.

Reconsideration and allowance of claim 6 are respectfully requested.

Claim 27

Applicants respectfully traverse the rejection of claim 27 for at least the following reasons. Applicants cannot find teaching or suggestion in Iwaszkiewicz of, for example, an outer electrode outer surface includes a coated or chemically treated surface, as recited in claim 27. Further, Applicants respectfully submit claim 27 is allowable at least as a dependent claim of patentable base claim 1. The discussion of claim 1 above is repeated in support of claim 27.

Moreover, Applicants respectfully traverse the Office Action statement at page 2, "The outer surface of the outer electrode is "treated" by an exposure to atmosphere." Applicants respectfully submit claim 27 recites an outer electrode outer surface including a coated or chemically treated surface and thereby appears to distinguish over an outer electrode treated by exposure to atmosphere. Furthermore, Applicants traverse the Office Action statement at page 2, "[t]he examiner considers the "treated" statement to be a product by process limitation with no recited structural distinction or modification." Applicants respectfully submit claim 27 is not limited to product by process interpretation. For example, claim 27 recites an outer electrode outer surface including a coated or chemically treated surface, thereby providing further structural modification of the outer electrode outer surface as opposed to a chemically untreated or uncoated surface.

Reconsideration and allowance of claim 27 are respectfully requested.

Claims 7 and 33-36

Applicants respectfully traverse the rejections of claims 7 and 33-36 for at least the following reason. Applicants cannot find teaching or suggestion in Iwaszkiewicz of, for example, an outer electrode disposed over the inner electrode, the outer electrode having an outer surface, the conductor distal end is disposed between the inner electrode outer surface and the outer electrode, and the conductor proximal end extends away from the inner electrode and the outer electrode, as recited in claim 7. Claims 33-36 depend from claim 7 and thereby include all of its recitations.

Reconsideration and allowance of claims 7 and 33-36 are respectfully requested.

Claim 12

Applicants respectfully traverse the Office Action statement at page 2, “The stepped portion of the inner electrode [of Iwaszkiewicz] forms an insulation interrupt between insulation segments,” in so far as the Applicants believe an insulation interrupt has not been presently claimed. If the Office Action is equating this statement to claim 12, Applicants respectfully traverse for at least the following reasons. Applicants cannot find in Iwaszkiewicz teaching or suggestion of, for example, means for disrupting conductor insulation disposed between the inner and outer electrode, as recited in claim 12. Further, Applicants respectfully submit claim 12 is allowable at least as a dependent claim of patentable base claim 7. The discussion of claim 7 above is repeated in support of claim 12.

Reconsideration and allowance of claim 12 are respectfully requested.

Claim 37

Applicants respectfully traverse the rejection of claim 37 for at least the following reasons. Applicants cannot find teaching or suggestion in Iwaszkiewicz of, for example, the outer electrode outer surface including a chemically treated outer surface, as recited in claim 37. Further, Applicants respectfully submit claim 37 is allowable at least as a dependent claim of patentable base claim 7. The discussion of claim 7 above is repeated in support of claim 37.

Moreover, as stated above, Applicants respectfully traverse the Office Action statement at page 2, “The outer surface of the outer electrode is “treated” by an exposure to atmosphere.” Applicants respectfully submit claim 37 recites an outer electrode outer surface including a chemically treated outer surface and thereby appears to distinguish over an outer electrode treated by exposure to atmosphere. Furthermore, Applicants traverse the Office Action statement at page 2, “[t]he examiner considers the “treated” statement to be a product by process limitation with no recited structural distinction or modification.” Applicants respectfully submit claim 37 is not limited to product by process interpretation. For example, claim 37 recites an outer electrode outer surface including a chemically treated outer surface, thereby providing further structural modification of the outer electrode outer surface as opposed to a chemically untreated outer surface.

Reconsideration and allowance of claim 37 are respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 612-371-2117 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

PAUL E. ZAREMBO ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

P.O. Box 2938

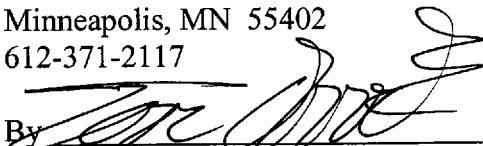
Minneapolis, MN 55402

612-371-2117

Date

2/5/07

By



Thomas C. Obermark

Reg. No. 55,506

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 5 day of February 2007.

Name

Paula Soceny

Signature

